

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION**

Blue Spike, LLC,	§	
<i>Plaintiff,</i>	§	CASE NO. 6:12-cv-499 MHS
v.	§	LEAD CASE
Texas Instruments, Inc., et al.,	§	Jury Trial Demanded
<i>Defendants.</i>	§	
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Blue Spike, LLC,	§	CASE NO. 6:13-cv-126 MHS
<i>Plaintiff,</i>	§	CONSOLIDATED CASE
v.	§	Jury Trial Demanded
Visible World, Inc.,	§	
<i>Defendant.</i>	§	
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**PLAINTIFF BLUE SPIKE'S REPLY IN RESPONSE TO  
VISIBLE WORLD'S COUNTERCLAIMS**

Plaintiff Blue Spike, LLC (“Blue Spike”) files this Reply to the Counterclaims of Defendant Visible World, Inc. (“Visible World” or “Defendant”) (Case No. 6:12-cv-499, Dkt. No. 636) as follows. All allegations not expressly admitted or responded to by Blue Spike are denied.

**COUNTERCLAIMS**

1. Paragraph 1 does not contain any allegations requiring an admission or denial, but to the extent that Defendant alleges that venue is not proper in this District, Blue Spike denies same.
2. Blue Spike admits the allegations of Paragraph 2.
3. Blue Spike admits the allegations of Paragraph 3, upon information and belief.

4. Blue Spike admits the allegations of Paragraph 4.
5. Blue Spike denies that Defendant “requires a declaration of its rights by this Court,” but admits the remaining allegations of Paragraph 5.
6. Blue Spike admits the allegations of Paragraph 6.
7. Blue Spike admits the allegations of Paragraph 7.

**COUNT ONE: DECLARATORY JUDGMENT OF  
NON-INFRINGEMENT OF THE ‘175 PATENT**

8. Blue Spike admits the allegations of Paragraph 8.
9. Blue Spike denies the allegations of Paragraph 9.
10. Blue Spike denies the allegations of Paragraph 10.

**COUNT TWO: DECLARATORY JUDGMENT OF  
INVALIDITY OF THE ‘175 PATENT**

11. Blue Spike denies the allegations of Paragraph 11.
12. Blue Spike denies the allegations of Paragraph 12.

**COUNT THREE: DECLARATORY JUDGMENT OF  
NON-INFRINGEMENT OF THE ‘494 PATENT**

13. Blue Spike admits the allegations of Paragraph 13.
14. Blue Spike denies the allegations of Paragraph 14.
15. Blue Spike denies the allegations of Paragraph 15.

**COUNT FOUR: DECLARATORY JUDGMENT OF  
INVALIDITY OF THE ‘494 PATENT**

16. Blue Spike denies the allegations of Paragraph 16.
17. Blue Spike denies the allegations of Paragraph 17.

**COUNT FIVE: DECLARATORY JUDGMENT OF  
NON-INFRINGEMENT OF THE '700 PATENT**

18. Blue Spike admits the allegations of Paragraph 18.
19. Blue Spike denies the allegations of Paragraph 19.
20. Blue Spike denies the allegations of Paragraph 20.

**COUNT SIX: DECLARATORY JUDGMENT OF  
INVALIDITY OF THE '700 PATENT**

21. Blue Spike denies the allegations of Paragraph 21.
22. Blue Spike denies the allegations of Paragraph 22.

**COUNT SEVEN: DECLARATORY JUDGMENT OF  
NON-INFRINGEMENT OF THE '472 PATENT**

23. Blue Spike admits the allegations of Paragraph 23.
24. Blue Spike denies the allegations of Paragraph 24.
25. Blue Spike denies the allegations of Paragraph 25.

**COUNT EIGHT: DECLARATORY JUDGMENT OF  
INVALIDITY OF THE '472 PATENT**

26. Blue Spike denies the allegations of Paragraph 26.
27. Blue Spike denies the allegations of Paragraph 27.

**EXCEPTIONAL CASE**

28. Blue Spike denies the allegations of Paragraph 28.

**PRAYER FOR RELIEF**

Blue Spike denies that Defendant is entitled to any of the relief it requests.

### PLAINTIFF'S PRAYER FOR RELIEF

In addition to the relief requested in its Original Complaint, Blue Spike respectfully requests a judgment against Defendant as follows:

- (a) That Defendant take nothing by its Counterclaims;
- (b) That the Court award Blue Spike its costs and attorneys' fees incurred in defending against these Counterclaims; and
- (c) Any and all further relief for Blue Spike as the Court may deem just and proper.

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**CERTIFICATE OF SERVICE**

I, Randall T. Garteiser, am the ECF User whose ID and password are being used to file this document. I hereby certify that all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3) on this day. Pursuant to Federal Rule of Civil Procedure 5, this document was served via U.S. Mail and electronic means to counsel for Defendant that are not receiving this document via CM/ECF.

/s/ Randall T. Garteiser

Randall T. Garteiser